

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH J. MARINO,
Plaintiff,

v.

CROSS COUNTRY BANK and

APPLIED CARD SYSTEMS, INC.,

Defendants.

CIVIL ACTION

NO. 07-1389

ANSWER OF CROSS COUNTRY BANK AND APPLIED CARD SYSTEMS, INC.

First Affirmative Defense

Defendants, Cross Country Bank and Applied Card Systems, Inc. files this answer with affirmative defenses and more specifically respond as follows:

1. Admitted on information and belief.
2. Denied. This defendant is now Applied Bank.
3. Denied.
4. Admitted on information and belief.
5. Admitted.
6. Admitted.
7. Denied.
8. Admitted in part. Denied in part. Plaintiff submitted an affidavit. The remainder of the allegations are denied.
9. Admitted.

10. Admitted in part. Denied as stated in part. The wrongful termination claim was settled. The remaining allegations refer to a document the content of which speaks for itself and Defendants deny plaintiff's attempts to paraphrase it.

11. Admitted.

12. Admitted.

13. Denied as stated. The Court's Order entering judgment was dated August 25, 2005, and speaks for itself.

14. Denied as stated. The allegations contained in this paragraph refer to a document the content of which speaks for itself and defendants deny plaintiff's attempts to paraphrase it.

15. Denied as stated. The allegations contained in this paragraph are conclusions of law to which no responsive pleading is required.

16. Denied as stated. The allegations contained in this paragraph are conclusions of law to which no responsive pleading is required.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

Second Affirmative Defense

22. Plaintiff's complaint fails to state a cause of action upon which relief may be granted.

Third Affirmative Defense

23. Defendants procuring, initiation and continuation of the action was done in good faith.

Fourth Affirmative Defense

24. Defendants procuring, initiation and continuation of the action was done with probable cause as defined in 42 Pa.C.S.A. section 8352.

Fifth Affirmative Defense

25. Defendants have not acted with improper motive.

Sixth Affirmative Defense

26. Defendants procured, initiated and continued the action to vindicate an existing right.

Seventh Affirmative Defense

27. Defendants procured, initiated and continued the action for the purpose of adjudicating the claim on which the pleadings were based.

Eighth Affirmative Defense

28. Defendants did not act with malice nor did they have a malicious motive.

Ninth Affirmative Defense

29. The injuries alleged in the complaint were not directly or proximately caused by any act, omission or conduct of Defendants.

Tenth Affirmative Defense

30. In pursuing the action, Defendants relied upon an opinion of a court of the State of Minnesota.

WHEREFORE, Defendants, Cross Country Bank and Applied Card Systems, Inc., respectfully request that judgment be entered in their favor and against Plaintiff and that Plaintiff's complaint be dismissed.

Dated: April 20, 2007

Respectfully submitted,

LAMB McERLANE PC

By: 

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Guy A. Donatelli, Esquire

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Attorneys for Defendants Cross Country Bank and
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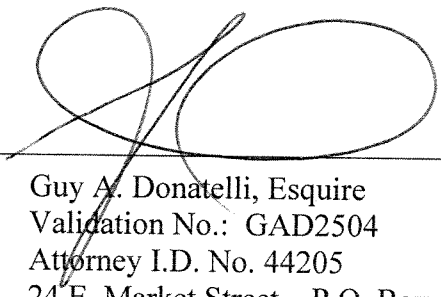
CERTIFICATE OF SERVICE

This is to certify that in this case complete copies of all papers contained in the foregoing Answer have been served upon the following persons, by the following means and on the date(s) stated:

Name:	Means of Service:	Date of Service:
Kevin W. Gibson, Esquire Gibson & Perkins, P.C. Suite 105 200 East State Street Media, PA 19063	First Class Mail	April 20, 2007

LAMB McERLANE PC

By: _____


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